

NEWSRELEASE

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Corrections Department modifies execution protocol

Montana State Prison has modified its protocol for conducting executions to address changes in the availability of certain drugs and as a part of routine assessment of the procedures that is conducted whenever an execution date is set.

The modifications include a provision allowing for use of a substitute drug as the fast-acting barbiturate that causes unconsciousness and ensures the inmate will not experience pain during the process of injecting the other drugs as part of the lethal injection process. This provision is necessary due to the inability to obtain sodium thiopental, which was the initial drug Montana and other states had used in executions until the manufacturer ceased production.

The new protocol permits use of a substitute drug – pentobarbital – which has survived court challenges and been used successfully in other states.

Other changes include additional safeguards to ensure that the drug is properly administered and, therefore, that the condemned is completely unconscious.

Mike Mahoney, who signed the document on his last day as warden Aug. 12, emphasized that the adjustments to the 149-page document are neither novel nor experimental, as they have proven effective when used in other states with extensive experience in carrying out executions. He also noted that the review resulting in the changes was prompted by a district judge setting an execution date last fall for convicted double-murderer Ronald Smith.

“Although that date eventually was vacated by the courts, we responded the way we always do when confronted with an imminent execution,” Mahoney said. “We go through the procedures established and used in the past to determine if they can be refined based on what we have learned from previous executions and what is happening in other states regarding execution-related developments.”

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It was that routine process that led to the revisions in the protocol, he added. "With the revised protocol in place, Montana State Prison is prepared to respond to a court order directing an execution be carried out and to fulfill its obligation in a safe, humane and professional manner."

The changes include refining definitions of such items as the operations security chief, news media staging area and setup officer. The changes also require a "qualified official" appointed by the warden to sign the death warrant following an execution and clarify the timeline for inventorying items needed to conduct an execution.

Other changes in the protocol:

- Clarify timing of event starting with receipt of a death warrant through post-execution procedures
- Add security measures such as a prohibition on cell phones in the execution chamber and establishment of security zones
- Create new provisions for storage and handling of drugs used in an execution
- Clarify qualification for the person setting up intravenous lines for administering lethal injection
- Specify the training required for the executioner and allows the executioner to be a contract employee
- Reduce the number of media witnesses from four to three, to comply with state law

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